DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES

FACT SHEET

GENERAL PERMIT NCG010000
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT TO DISCHARGE STORMWATER

Permit No. NCG010000 Date: June 15, 2018

1. PERMIT COVERAGE

Industrial Activities Covered	Point source conveyance of stormwater runoff from construction activities including clearing, grading, and excavation activities that result in the disturbance of one or more acres of total land area.
Characteristics of Discharged Stormwater	Stormwater discharged from construction activities can contain sediment eroded from the site of land disturbance activity. Suspended sediment is the primary constituent in construction stormwater and is commonly measured as total suspended solids (TSS) and/or turbidity: • Total suspended solids (TSS) is a measure of the suspended material in water. The measure of TSS in stormwater allows for an estimation of sediment transport, which can have significant effects in downstream receiving waters. • Turbidity, expressed as Nephelometric Turbidity Units (NTU), is a measure of the ability of light to penetrate the water. Turbidity is a function of the suspended solids in water. It has been demonstrated to adversely affect aquatic species, such as the ability of small macroinvertebrates to survive or reproduce as well as affecting fish populations directly and indirectly. Also, potential for contamination during construction activity exists from fluids (fuels, lubricants, hydraulic fluids, coolants, etc.) from construction equipment or machinery. Materials stored on the construction site such as chemicals, explosives, etc., could also enter the stormwater runoff discharge.
Geographic Area(s) Covered	Discharges covered by this general permit are located at any place within the political boundary of the State of North Carolina. Discharges located on the Cherokee Indian Tribal Reservation are subject to permitting by the U.S. Environmental Protection Agency and are not covered by this general permit.
Receiving Waters	Receiving waters include all surface waters of North Carolina or municipal separate storm sewer systems conveying stormwater to surface waters.

2. MAJOR CHANGES PROPOSED SINCE THE LAST NCG01000 PERMIT

The proposed NCG01 permit looks quite different from the current one; however, the technical standards for construction activities are not being changed substantially. The changes to the permit can be summarized as follows:

- In the Stormwater Pollution Prevention Plan (SP3) part of the permit (Part II), DEMLR staff have incorporated requirements from applicable state statutes and administrative code into the design and construction standards for construction sites. All of the state requirements that have been brought into the permit are referenced accordingly.
- The SP3 and Self-Inspection, Recordkeeping and Reporting parts of the permit have undergone a major reorganization to increase clarity and understanding for our permittees and the public as well as local government and state staff who implement the Sediment Program.
- Many of the current NCG01 permit requirements have been organized into tables as a preferred alternative to the lengthy paragraphs that characterize the current version of the permit.
- The permitting process for the NCG010000 has been updated and improved to require permittees to complete an on-line Notice of Intent form, which will result in a project-specific issuance of a Certificate of Coverage to the permittee for each individual project.

3. STORMWATER POLLUTION PREVENTION PLAN

In North Carolina, the approved **Erosion and Sedimentation Control (E&SC) Plan** shall meet all of the applicable requirements of this permit, the Sedimentation Pollution Control Act of 1973 and 15A NCAC 04B .0101-.0132. The approved **E&SC Plan** shall be considered the **Stormwater Pollution Prevention Plan (SP3)** for construction activities that are covered under this permit and as such the implementation of the E&SC Plan throughout the duration of coverage shall a condition of the permit. Recommendations for preparing the E&SC Plan as well as for designing, constructing, and maintaining the erosion and sedimentation control practices are contained in the North Carolina Erosion and Sediment Control Planning and Design Manual.

In the draft NCG01 permit, DEMLR made significant updates to Part II: Stormwater Pollution Prevention Plan. Part II of the permit now includes both the federal and the state requirements related to SP3/E&SC Plans. DEMLR staff have worked to organize those requirements into a format that can be easily understood by the permittees. When state requirements were pulled into the NCG01 permit, references to the applicable state law or rule were provided.

A brief summary of each section within Part II is provided below.

a. Required Components of the Erosion and Sedimentation Control Plan

The other NC General Permits include a list of items that shall be provided to create a complete SP3. For the sake of consistency and clarity, DEMLR wished to provide a similar list in the NCG01 permit. This list is based on a checklist that is provided on the NC DEMLR Sediment Program Forms web site, with a number of updates and improvements in organization. After this permit is finalized, the Sediment Program will update their checklist so that it is consistent with the permit.

b. Design and Construction Standards for Erosion and Sediment Control Measures

This section of Part II includes the existing requirement for sediment basin outlet structures that withdraw water from the surface. The other design and construction standards in this section, are taken from NC statute and administrative code, which is referenced accordingly. Some of the topics that are covered include including topics such as calculation methods, slope angles, stormwater outlets and stormwater conveyances.

c. Additional Design and Construction Standards in High Quality Water (HQW) Zones

All of the requirements in this section are taken from proposed updates the NC administrative code that were created with a diverse team of stakeholders. The administrative code is in the process of being updated to the language included in the permit. DEMLR did not use the current language because it will become out of date during the life cycle of the permit and the requirements in the current administrative code are such that it is difficult to evaluate compliance (i.e., basins must remove 70% of the 40 micron particles). The proposed updates to the administrative code reflected in the permit language make it much easier for permittees to demonstrate compliance.

d. Construction Activity Buffers

All of the requirements in this section are taken from current NC administrative statute and code and are referenced accordingly. In addition, recommended buffer widths from the NC Erosion and Sedimentation Design Manual are included as Section D, Item 3 for ease of reference for the permittees. This item of the permit is not proposed to be enforceable.

e. Ground Stabilization

This section of Part II is very similar to the provisions in current NCG01 permit for ground stabilization. A more detailed specification that includes separate provisions for temporary versus permanent stabilization has been provided by pulling information from the existing Definitions section of the permit with editing done for clarification. The "Required Timeframes for Ground Stabilization" table has been carried over from the previous permit with some editing done for clarification. Also, a footnote has been added to the table to indicate that the more stringent requirements associated with permanent stabilization do not need to be met until 21 days after the final ground disturbance associated with any phase of grading.

f. Materials Handling

This section of Part II is very similar to the provisions in current NCG01 permit for materials handling. Some of the wording has been updated and the information has been organized for better ease of understanding.

g. Operation and Maintenance

This section of Part II is intended to clarify some provisions in the current NCG01 permit and to integrate the state requirements for operation and maintenance and the turbidity standard into the permitting of construction activities. The topics in the current NCG01 permit that appear in this section are: plan deviations, corrective actions, bypass and upsets. In this section, DEMLR has clarified that bypasses occur when the design storm has not been exceeded and upsets occur when the design storm has been exceeded. Item 4 of this section provides for bypasses of sediment basins for maintenance. Item 7 clarifies that the NC turbidity standard is not met unless the E&SC plan is compliant with all federal and state requirements.

4. SELF-INSPECTION, RECORDKEEPING, AND REPORTING REQUIREMENTS

This permit specifies self-inspection, recordkeeping, and reporting requirements for construction sites. The requirements have not changed, but DEMLR has reorganized the existing requirements and clarified the language for ease of understanding.

a. Self-Inspection and Recordkeeping

As before, the renewal permit specifies qualitative (visual) monitoring of the following:

- Rain gauge
- maintained in good working order
- E&SC Measures
- Stormwater discharge outfalls (SDOs)
- Perimeter of site
- Streams or wetlands onsite or offsite (where accessible)
- Ground stabilization measures

The draft permit maintains specific directions to the permittee about how records of the above self-inspections shall be kept.

b. Reporting

In addition, the draft permit sets forth reporting requirements for the following incidents that may occur on a construction site with required response timelines:

- Visible sediment deposition in a stream or wetland
- Oil spills and release of hazardous substances per Item 1(b)-(c) above
- Anticipated bypasses [40 CFR 122.41(m)(3)]
- Unanticipated bypasses [40 CFR 122.41(m)(3)]
- Noncompliance [40 CFR 122.41(l)(7)]

5. BASIS FOR CONTROLS

The conditions of this general permit have been designed using best professional judgment to achieve water quality protection through compliance with the technology-based standards of the Clean Water Act (Best Available Technology [BAT] and Best Conventional Pollutant Control Technology [BCT]). Based on a consideration of the appropriate factors for BAT and BCT requirements, and a consideration of the factors discussed below in this fact sheet for controlling pollutants in stormwater discharges associated with construction activities, this permit retains a set of requirements for developing and implementing stormwater pollution prevention plans, and specific requirements for self-inspection, recordkeeping and reporting for construction activities.

The permit conditions reflect the Environmental Protection Agency's (EPA) and North Carolina's pollution prevention approach to stormwater permitting. The quality of the stormwater discharge associated with an industrial activity will depend on the availability of pollutant sources. This renewal permit still reflects the Division's position that implementation of Best Management Practices (BMPs) and traditional stormwater management practices which control the source of pollutants meets the definition of BAT and BCT. The permit conditions are not numeric effluent limitations, but rather are designed to be flexible requirements for developing and implementing site specific plans to minimize and control pollutants in the stormwater discharges associated with the industrial activity.

Title 40 Code of Federal Regulations (CFR) Part 122.44(k)(2) authorizes the use of BMPs in lieu of numeric effluent limitations in NPDES permits when the agency finds numeric effluent limitations to be infeasible. The agency may also impose BMP requirements which are "reasonably necessary" to carry out the purposes of the Act under the authority of 40 CFR 122.44(k)(3). The conditions of the renewal permit are retained under the authority of both of these regulatory provisions. The pollution prevention requirements (BMP requirements) in this permit operate as limitations on effluent discharges that reflect the application of BAT/BCT. The basis is that the BMPs identified require the use of source control technologies which, in the context of these general permits, are the best available of the technologies economically achievable (or the equivalent BCT finding).

All facilities covered by this general permit must prepare, retain, implement, and (at a minimum of annually) update a Stormwater Pollution Prevention Plan (SPPP). The term "pollution prevention" distinguishes this source reduction approach from traditional pollution control measures that typically rely on end-of-pipe treatment to remove pollutants in the discharges. The plan requirements are based primarily on traditional stormwater management, pollution prevention and BMP concepts, providing a flexible basis for developing site-specific measures to minimize and control the amounts of pollutants that would otherwise contaminate the stormwater runoff.

The pollution prevention approach adopted in the SPPP in this renewal permit still focuses on two major objectives: 1) to identify sources of pollution potentially affecting the quality

of stormwater discharges associated with industrial activity from the facility; and 2) to describe and ensure that practices are implemented to minimize and control pollutants in stormwater discharges associated with industrial activity from the facility and to ensure compliance with the terms and conditions of the permit.

There has been no significant change to this rationale since the previous General Permit NCG010000.

7. REQUESTED VARIANCES OR ALTERNATIVES TO REQUIRED STANDARDS

There are no requested variances or alternatives to required standards. Facilities requesting variances to required standards will not be covered under this General Permit but will instead be required to seek coverage under an individual permit.

8. THE ADMINISTRATIVE RECORD

The administrative record, including application, draft permits, fact sheet, public notice, comments received, and additional information is available by writing to:

Stormwater Program
Division of Energy, Mineral, and Land Resources (DEMLR)
1612 Mail Service Center
Raleigh, North Carolina 27699-1612

The above documents are available for review and copying at:

Archdale Building, 9th Floor
DEMLR Stormwater Program
512 N. Salisbury Street
Raleigh, North Carolina

between the hours of 8:00 AM and 5:00 PM Monday through Friday. Copies will be provided at a charge of 10 cents per page.

9. STATE CONTACT

Additional information about the draft permit may be obtained at the above address between the hours of 8:00 AM and 5:00 PM Monday through Friday by contacting: **Annette Lucas** at (919) 807-6381.

10. SCHEDULE OF PERMIT ISSUANCE

Draft Permit Public Notice – **Statewide Notice to publish June 15, 2018;**
Draft available on-line by June 15, 2018;
Comment Period Ends July 16, 2018

Permit Scheduled to Issue – **No later than July 31, 2018;**
Effective August 1, 2018

11. PROCEDURE FOR THE FORMULATION OF FINAL DETERMINATIONS

a. Comment Period

The Division of Energy, Mineral, and Land Resources proposes to issue an NPDES General Permit for the above described stormwater discharges subject to the outlined effluent limitations, management practices, and special conditions. These determinations are open to comment from the public.

Interested persons are invited to submit written comments on the permit applications or on the Division of Energy, Mineral, and Land Resources' proposed determinations to the following address:

Stormwater Program
Division of Energy, Mineral, and Land Resources
1612 Mail Service Center
Raleigh, North Carolina 27699-1612
Attn: **Annette Lucas**

All comments received within thirty (30) days following the date of public notice are considered in the formulation of final determinations.

b. Public Meeting

The Director of the Division of Energy, Mineral, and Land Resources may hold a public meeting if there is a significant degree of public interest in a proposed permit or group of permits. Public notice of such a meeting will be circulated in newspapers in the geographical area of the discharge and to those on the Division of Energy, Mineral, and Land Resources' mailing list at least thirty (30) days prior to the meeting.

c. Appeal Hearing

An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, shall have the right to a hearing before the Commission upon making written demand to the Office of Administrative Hearing (OAH) within 30 days following issuance or denial of the permit.

d. Issuance of a Permit When no Hearing is Held

If no public meeting or appeal hearing is held, after review of the comments received, and if the Division of Energy, Mineral, and Land Resources determinations are substantially unchanged, the permit will be issued and become effective on the first day of the month following the issuance date. This will be the final action of the Division of Energy, Mineral, and Land Resources.

If a public meeting or appeal hearing is not held, but there have been substantial changes, public notice of the Division of Energy, Mineral, and Land Resources revised determinations will be made. Following a 30-day comment period, the permit will be issued and will become effective on the first day of the month following the issuance date. This will be the final action of the Division of Energy, Mineral, and Land Resources unless a public meeting or appeal hearing is granted.